

4182

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 418

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN, Defendant

by MARCELLA MARIE GRASS JOHNSON AND FLORA DEAN GRASS HALL

Plaintiff.....

Witness my hand this 4th day of Dec. 1957.....

Rebecca J. H. H. H. Clerk

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT

MARCELLA MARIE GRASS JOHNSON

AND FLORA DEAN GRASS HALL

Plaintiffs

vs.

ANDREW JAMES GRASS AND MARCELLA

GRASS GOODEN

Defendants

SUMMONS and COMPLAINT

Filed 12/4/57, 19.....

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

_____, 19.....

_____, Sheriff

I have executed this summons

this _____, 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

3. That your complainants and the respondent, ANDREW JAMES

From the Southwest Corner of Lot 11, in Block 21, Division 4, of the Fairhope Single Tax Corporation Lands in the Town of Fairhope, run South 28.9 feet for a point of beginning; thence East and perpendicular to School Street 198 feet; thence North and parallel to School Street 94.1 feet; thence West 72.5 feet; thence South 50 feet; thence West 122.5 feet to the East line of School Street; thence South along School Street 44.9 feet to the point of beginning; and being a part of that property leased to WALTER B. WACKER AND EMMY LEE WACKER by lease dated September 20, 1946.

scribed real property situated in Baldwin County, Alabama, to-wit: GRASS are tenants in common, or joint owners, of the following de-

2. That your petitioners and the respondent, ANDREW JAMES

The Grand Hotel, Point Clear, Alabama.

dent of said State and County, and her Post Office Address is GRASS GOODEN is over the age of twenty-one years and is a res- while serving in the Army of the United States; that MARCELLA same, but is temporarily stationed at Fort Belvoir, Virginia, twenty years and is a resident of Fairhope, Baldwin County, Ala- at Fairhope, Alabama; that ANDREW JAMES GRASS is over the age of twenty years and is a resident of said State and County, residing FLORA DEAN GRASS HALL is a married woman and is over the age of and County, residing at Fairhope, Alabama; that the complainant, over the age of twenty-one years and is a resident of said State 1. That your complainant, MARCELLA MARIE GRASS JOHNSON, is and show unto your Honor as follows:

JAMES GRASS and MARCELLA GRASS GOODEN, respectfully represent FLORA DEAN GRASS HALL and, humbly complaining against ANDREW Come your petitioners, MARCELLA MARIE GRASS JOHNSON AND

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. _____ ANDREW JAMES GRASS and MARCELLA GRASS GOODEN, Respondents. MARCELLA MARIE GRASS JOHNSON and FLORA DEAN GRASS HALL, Complainants, AS.

Your Petitioners further pray that upon a hearing of this cause, your Honor will make and enter a decree granting them the

PRAYER FOR RELIEF

things protected.

half of said minor that his interest may be fully and in all served on such persons as this Honorable Court shall direct on be- ANDREW JAMES GRASS, age twenty years, and that such process be ad item be appointed to represent the interests of the said law and the practice of this Honorable Court; and that a guardian within the time, and under the pains and penalties prescribed by separately and severally, to plead, answer or demur to the same dent to this bill of complaint, requiring them, and each of them, said ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN parties respon- by this bill of complaint, and by appropriate process make the that this Honorable Court will take jurisdiction of the cause made WHEREFORE, THE PREMISES CONSIDERED, your Complainants pray

PRAYER FOR PROCESS

abstract should be taxed as a part of the costs of this proceeding. respective purchasers prior to a sale thereof, the cost of which said bed property, in order that said abstract can be examined by pro- this cause that an abstract of title be made to the above descri- 7. That it will be to the best interest of all parties to

tenants in common.

this bill to effect a division of said property among the said Mashburn, Jr., of Bay Minette, Alabama, for the purpose of filling ploy counsel in this action and they have employed J. J. 6. That it has been necessary for your Complainants to em- proceeds.

tenants in common without a sale thereof and a division of the lands, said property cannot be equitably divided among the said 5. That, because of the fact there is a house on said

Court whatever interest she claims.

said land, and complainants now call upon her to propound to the or is reputed to claim, some right, title or interest in and to 4. That the respondent, MARCELLA GRASS GOODEN, claims, lands.

GRASS, each owns an undivided one-third interest in and to said

following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.

2. That your Honor will ascertain what interest, if any, the respondent, MARCELLA GRASS GOODEN, has in and to said property.

3. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering the above described property, made, for examination by prospective purchasers, and that the costs of such abstract be taxed as a part of the costs in this proceeding.

4. That your Honor will make and enter a proper order, fixing the Solicitor's fee to be paid to your Petitioners' Solicitors, making it a common charge against the proceeds of the sale of the said property.

And, if your Petitioners be mistaken in the relief to which they are entitled in the premises, then they pray for such other, further, different or general relief as in equity and good conscience they may be entitled to receive, and, as in duty bound, they will ever pray, etc.

Telfair J. Mashburn, Jr.
SOLICITOR FOR COMPLAINANTS

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

Before me, the undersigned authority, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing bill of complaint as Solicitor for Complainants, and who is known to me, and who, being by me first duly sworn, deposes and says on oath: That he is informed and believes, and, on such information and belief, avers that the allegations of this bill of complaint are true and correct. Further deponent says not.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me this 4th day of December, 1957.

John R. O.
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

AMANDA BOWEN, BALDWIN COUNTY, ALABAMA.

A. S. Bowen

The undersigned deposes and swears that she is the mother of the child named above on the 27th day of December, 1927.

Amanda Bowen

and she has collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child, and she has also collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child, and she has also collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child.

COUNTY OF BALDWIN,
 STATE OF ALABAMA:

Andrew James Grass
 vs.
Marcella Marie Grass and Flora Dean Grass

and she has collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child, and she has also collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child, and she has also collected, through her agents, for her child the sum of \$100.00, which she has deposited in a bank to the credit of her child.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
 IN EQUITY. NO. 4182.
 MARCELLA MARIE GRASS
 JOHNSON AND FLORA DEAN
 GRASS HALL,
 Complainants,
 vs.
 ANDREW JAMES GRASS and
 MARCELLA GRASS GOODEN,
 Respondents.

BILL OF COMPLAINT

Received _____ day of _____ 19____
 and on _____ day of _____ 19____
 served a copy of this within _____
 By _____
 TAYLOR WILKINS, Sheriff
 D. S.

THE STATE OF ALABAMA,

CIRCUIT COURT, BALDWIN COUNTY

BALDWIN COUNTY

No. 4182

TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN, Defendant

by MARCELLA MARIE GRASS JOHNSON AND FLORA DEAN GRASS HALL, Plaintiff.....

Witness my hand this 4th day of Dec. 1957.....

Archie J. Dukes, Clerk

No.

Page

**THE STATE OF ALABAMA
BALDWIN COUNTY**

CIRCUIT COURT

MARCELLA MARIE GRASS JOHNSON

AND FLORA DEAN GRASS HALL

Plaintiffs

vs.

ANDREW JAMES GRASS AND MARCELLA

GRASS GOODEN

Defendants

SUMMONS and COMPLAINT

Filed 12/4/57, 19.....

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

....., 19.....

....., Sheriff

I have executed this summons

this, 19.....

by leaving a copy with

..... Sheriff

..... Deputy Sheriff

MARCELLA MARIE GRASS JOHNSON
and FLORA DEAN GRASS HALL,

Complainants,

VS.

^E
ANDREW JAMES GRASS and
MARCELLA GRASS GOODEN,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. _____

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Come your Petitioners, MARCELLA MARIE GRASS JOHNSON AND
FLORA DEAN GRASS HALL and, humbly complaining against ANDREW
JAMES GRASS and MARCELLA GRASS GOODEN, respectfully represent
and show unto your Honor as follows:

1. That your complainant, MARCELLA MARIE GRASS JOHNSON, is
over the age of twenty-one years and is a resident of said State
and County, residing at Fairhope, Alabama; that the complainant,
FLORA DEAN GRASS HALL is a married woman and is over the age of
twenty years and is a resident of said State and County, residing
at Fairhope, Alabama; that ANDREW JAMES GRASS is over the age of
twenty years and is a resident of Fairhope, Baldwin County, Ala-
bama, but is temporarily stationed at Fort Belvoir, Virginia,
while serving in the Army of the United States; that MARCELLA
GRASS GOODEN is over the age of twenty-one years and is a resi-
dent of said State and County, and her Post Office Address is
% The Grand Hotel, Point Clear, Alabama.

2. That your petitioners and the respondent, ANDREW JAMES
GRASS are tenants in common, or joint owners, of the following de-
scribed real property situated in Baldwin County, Alabama, to-wit:

From the Southwest Corner of Lot NINE, in
Block 21, Division 4, of the Fairhope
Single Tax Corporation Lands in the Town
of Fairhope, run South 28.9 feet for a
point of beginning; thence East and per-
pendicular to School Street 198 feet; thence
North and parallel to School Street 94.1
feet; thence West 72.5 feet; thence South
50 feet; thence West 122.5 feet to the
East line of School Street; thence South
along School Street 44.9 feet to the point
of beginning; and being a part of that
property leased to WALTER R. ANACKER AND
EMMA LEE ANACKER by lease dated September
20, 1946.

3. That your complainants and the respondent, ANDREW JAMES

GRASS, each owns an undivided one-third interest in and to said lands.

4. That the respondent, MARCELLA GRASS GOODEN, claims, or is reputed to claim, some right, title or interest in and to said land, and complainants now call upon her to propound to the Court whatever interest she claims.

5. That, because of the fact there is a house on said lands, said property cannot be equitably divided among the said tenants in common without a sale thereof and a division of the proceeds.

6. That it has been necessary for your Complainants to employ counsel in this action and they have employed Telfair J. Mashburn, Jr., of Bay Minette, Alabama, for the purpose of filing this bill to effect a division of said property among the said tenants in common.

7. That it will be to the best interest of all parties to this cause that an abstract of title be made to the above described property, in order that said abstract can be examined by prospective purchasers prior to a sale thereof, the cost of which said abstract should be taxed as a part of the costs of this proceeding.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, your Complainants pray that this Honorable Court will take jurisdiction of the cause made by this bill of complaint, and by appropriate process make the said ANDREW JAMES GRASS AND MARCELLA GRASS GOODEN parties respondent to this bill of complaint, requiring them, and each of them, separately and severally, to plead, answer or demur to the same within the time, and under the pains and penalties prescribed by law and the practice of this Honorable Court; and that a guardian ad litem be appointed to represent the interests of the said ANDREW JAMES GRASS, age twenty years, and that such process be served on such persons as this Honorable Court shall direct on behalf of said minor that his interest may be fully and in all things protected.

PRAYER FOR RELIEF

Your Petitioners further pray that upon a hearing of this cause, your Honor will make and enter a decree granting them the

following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said tenants in common.

2. That your Honor will ascertain what interest, if any, the respondent, MARCELLA GRASS GOODEN, has in and to said property.

3. That the Register of this Court be authorized and empowered to have a complete abstract of title, covering the above described property, made, for examination by prospective purchasers, and that the costs of such abstract be taxed as a part of the costs in this proceeding.

4. That your Honor will make and enter a proper order, fixing the Solicitor's fee to be paid to your Petitioners' Solicitors, making it a common charge against the proceeds of the sale of the said property.

And, if your Petitioners be mistaken in the relief to which they are entitled in the premises, then they pray for such other, further, different or general relief as in equity and good conscience they may be entitled to receive, and, as in duty bound, they will ever pray, etc.

Telfair J. Mashburn, Jr.
SOLICITOR FOR COMPLAINANTS

STATE OF ALABAMA, 0
 0
COUNTY OF BALDWIN. 0

Before me, the undersigned authority, personally appeared Telfair J. Mashburn, Jr., whose name is signed to the foregoing bill of complaint as Solicitor for Complainants, and who is known to me, and who, being by me first duly sworn, deposes and says on oath: That he is informed and believes, and, on such information and belief, avers that the allegations of this bill of complaint are true and correct. Further deponent says not.

Telfair J. Mashburn, Jr.

Sworn to and subscribed before me this 4th day of December, 1957.

John R. O.
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.